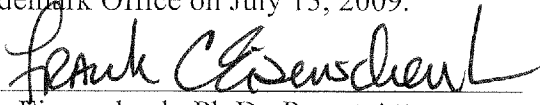


I hereby certify that this correspondence is being electronically filed in the United States Patent and Trademark Office on July 13, 2009.

ELECTION UNDER 35 U.S.C. § 121
Patent Application
Docket No. UTR.106XC1



Frank C. Eisenschenk, Ph.D., Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Alton N. Pryor
Art Unit : 1616
Applicants : Kimberly D. Gwinn, James Green, Susan Hamilton
Serial No. : 10/541,048
Filed : April 4, 2006
Conf. No. : 6089
For : Use of Herbs as a Delivery System for Bioactive Phytochemicals

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

ELECTION UNDER 35 U.S.C. § 121

AND SUPPLEMENTAL PRELIMINARY AMENDMENT

Sir:

Applicants request that the period for response be extended one month through and including July 13, 2009, the fees for which have been paid at the time this Election was filed.

In response to the written Restriction Requirement dated May 11, 2009 in the above-identified patent application, Applicants hereby elect to prosecute the application method of soil greenhouse growing media, without traverse.

Prior to examination, Applicants respectfully request that the subject application be amended as follows: